



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |
|-----------------|-------------|----------------------|------------------------|------------------|
| 09/777,077      | 02/05/2001  | Dimitri Kanevsky     | YOR920000475US1(13823) | 9551             |

7590 11/22/2005  
Richard L. Catania  
Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, NY 11530

EXAMINER

ROSEN, NICHOLAS D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3625

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/777,077 | <b>Applicant(s)</b><br>KANEVSKY ET AL. |  |
|                              | <b>Examiner</b><br>Nicholas D. Rosen | <b>Art Unit</b><br>3625                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,10-20 and 22-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,10-20 and 22-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 1, 10-20, and 22-31 have been examined.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 20 and its dependents, claims 29 and 30, are rejected under 35

U.S.C. 112, first paragraph, because the specification, while being enabling for providing a user computer with the trial version of a software application, diminishing the performance of the trial version after a defined period of time, etc., does not reasonably provide enablement for the step of diminishing the performance of the trial software including the step of producing tactile stimulus. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims. Ordinary computers do not have the capacity to produce tactile stimulus in response to program instructions; therefore, whatever instructions a person skilled in the art of computer programming might write, they would not be operative in a normal computing machine. The specification does not describe special computers built to provide tactile stimulus, or a method of causing ordinary computers to provide tactile stimulus according to an application program.

Claims 23, 26, and 28 also recite producing tactile stimulus, and are held to lack proper enablement on the same grounds as claim 20.

Claim 24 recites means to produce unpleasant olfactory stimulus, and therefore lacks proper enablement on essentially the same grounds as claim 20. Ordinary computers do not have the capacity to produce unpleasant (or even pleasant) olfactory stimulus in response to program instructions; therefore, whatever instructions a person skilled in the art of computer programming might write, they would not be operative in a normal computing machine. The specification does not describe special computers built to provide olfactory stimulus, or a method of causing ordinary computers to provide olfactory stimulus according to an application program.

Claim 31 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for providing a user computer with the trial version of a software application, diminishing the performance of the trial version after a defined period of time, etc., does not reasonably provide enablement for the means for producing tactile stimulus, or for the means for providing unpleasant olfactory stimulus. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims. Ordinary computers do not have the capacity to produce tactile stimulus or olfactory stimulus in response to program instructions; therefore, whatever instructions a person skilled in the art of computer programming might write, they would not be operative in a normal computing machine. The specification does not describe special computers built to provide tactile or olfactory stimulus, or a method of

Art Unit: 3625

causing ordinary computers to provide tactile or olfactory stimulus according to an application program.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1, 10-13, and 22-24**

Claims 1, 10-13, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (U.S. Patent 6,041,316). As per claim 1, Allen discloses an application system running in a processing unit for changing the appearance and performance generated by a specified application, the system comprising: a timer for measuring time; and means, responsive to the timer, to change, after receipt of the

Art Unit: 3625

specified application by the central processing unit, the appearance or performance generated by the specified application according to a timed procedure to encourage a user of the application to abandon this specified application and to purchase a new version of the specified application (column 7, line 11, through column 8, line 56). Allen discloses, in particular, that the CPU is connected to a network to receive data therefrom over a bandwidth (column 8, lines 26-38; see also Figure 1). Allen does not quite expressly disclose means to degrade said network bandwidth, but does disclose accessing an audio database, and receiving degraded versions of music "with an audio quality level at or below that produced over a standard telephone line" (column 8, lines 6-15), which could surely be accomplished by in fact degrading the bandwidth.

Furthermore, Allen discloses that many variations can be made in the arrangements shown, including the interconnections between the user terminals, the network, and the provider database, and the manner of partially degrading a particular type of data (column 8, line 57, through column 9, line 4). Degrading the bandwidth is held to be such a variation, one of the numerous and functionally equivalent techniques the skilled artisan would have found obvious in view of the Allen disclosure, which teaches alternative solutions to the same basic problem addressed by Applicant.

As per claim 10, Allen discloses that changes are obtained by operations in a computer (column 7, line 11, through column 8, line 56), and since the operations of a computer involve its drives, the changes are therefore obtained by manipulating drives in a PC or other computer.

As per claim 11, Allen discloses that users pay money or view advertisements to reduce or eliminate degradation (Abstract).

As per claim 12, Allen further discloses that money is paid to one of a software manufacturer, seller, third party, or degradation service provider (Abstract; column 5, lines 27-57).

As per claim 13, Allen further discloses that the amount of degradation is related to the amount of money spent (Abstract; column 5, lines 27-57).

As per claim 22, a central processing unit inherently has a processing speed, but Allen does not disclose means to degrade said processing speed. However, Allen does disclose that many variations can be made in the arrangements shown, including the interconnections between the user terminals, the network, and the provider database, and the manner of partially degrading a particular type of data (column 8, line 57, through column 9, line 4). Degrading the processing speed is held to be such a variation, one of the numerous and functionally equivalent techniques the skilled artisan would have found obvious in view of the Allen disclosure, which teaches alternative solutions to the same basic problem addressed by Applicant. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the means to change the appearance or performance of the specified application include means to degrade the CPU processing speed, for the obvious advantage, taught by Allen, of encouraging a user to purchase a non-degraded version of the application.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (U.S. Patent 6,041,316) as applied to claim 1 above, and further in view of Gupta (U.S. Patent 6,459,364). Allen does not disclose means to produce tactile stimulus, but Gupta teaches means to produce tactile stimulus (Abstract; column 2, lines 10-49; Figures 1 and 2). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the means to change the appearance or performance of the specified application include means to produce tactile stimulus, for the obvious advantage, taught by Allen, of encouraging a user to purchase a non-degraded version of the application.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (U.S. Patent 6,041,316) as applied to claim 1 above, and further in view of Boyd et al. (U.S. Patent Application Publication 2002/0081229). Allen does not disclose means to produce unpleasant olfactory stimulus, but Boyd teaches means to produce olfactory stimulus (Abstract; paragraphs 8, 13, and 14), which may be unpleasant. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the means to change the appearance or performance of the specified application include means to produce unpleasant olfactory stimulus, for the obvious advantage, taught by Allen, of encouraging a user to purchase a non-degraded version of the application.

**Claims 14-16, 25, and 26**

Claims 14, 15, 16, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (U.S. Patent 6,041,316). As per claim 14, Allen discloses a



Art Unit: 3625

method of operating a trial software application, said trial application being associated with a defined full application, said method comprising the steps of: providing the trial application with a first set of instructions, embodied in a computer readable medium, for causing a computer to generate a main program; and providing the trial application with a second set of instructions, embodied in a computer readable medium, for causing the computer to diminish, after receipt of the trial application by the computer, the performance of the main program over time and in accordance with a timed procedure in order to encourage a user of the computer to purchase said defined full application (Abstract; column 7, line 11, through column 8, line 56; the details of the computer readable medium following from the disclosed procedures). Computers have central processing units, which inherently have processing speeds, but Allen does not disclose means to diminish the performance of the main program by degrading said processing speed. However, Allen does disclose that many variations can be made in the arrangements shown, including the interconnections between the user terminals, the network, and the provider database, and the manner of partially degrading a particular type of data (column 8, line 57, through column 9, line 4). Degrading the processing speed is held to be such a variation, one of the numerous and functionally equivalent techniques the skilled artisan would have found obvious in view of the Allen disclosure, which teaches alternative solutions to the same basic problem addressed by Applicant. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the means to change the appearance or performance of the specified application include means to degrade the

Art Unit: 3625

CPU processing speed, for the obvious advantage, taught by Allen, of encouraging a user to purchase a non-degraded version of the application.

As per claim 15, Allen discloses diminishing the performance of the program starting at the end of the defined period of time (note especially column 8, lines 42-45).

As per claim 16, Allen does not expressly disclose gradually diminishing the performance of the main program over a given time starting at the end of the defined period of time, but given Allen's disclosure of diminishing the performance after a set time (note especially column 8, lines 42-45), and Allen's disclosure of multiple levels of quality (column 5, line 27, through column 6, line 4), this is held to be an obvious variation in the manner of partially degrading data, given Allen's teaching of making such variations (column 8, line 57, through column 9, line 4), for the obvious advantage, taught by Allen, of encouraging a user to purchase a non-degraded version of the application.

As per claim 25, degrading the network bandwidth is held to be obvious over Allen for the reasons set forth in rejecting claim 1 above.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (U.S. Patent 6,041,316) as applied to claim 14 above, and further in view of Gupta (U.S. Patent 6,459,364). Producing tactile stimulus is held to be obvious for the reasons set forth above in rejecting 23.

**Claims 17-19, 27 and 28**

Claims 17, 18, 19, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (U.S. Patent 6,041,316). As per claim 17, claim 17 is closely parallel to claim 1, and rejected on the same grounds.

As per claim 18, claim 18 is parallel to claim 15, and rejected on the same grounds.

As per claim 19, claim 19 is parallel to claim 16, and rejected on the same grounds.

As per claim 27, claim 27 is parallel to claim 22, and rejected on the same grounds.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (U.S. Patent 6,041,316) as applied to claim 17 above, and further in view of Gupta (U.S. Patent 6,459,364). Producing tactile stimulus is held to be obvious for the reasons set forth above in rejecting 23.

**Claims 20, 29 and 30**

Claims 20, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (U.S. Patent 6,041,316) in view of Gupta (U.S. Patent 6,459,364). As per claim 20, Allen discloses a method for: providing a user computer with a trial version of a program; allowing the user computer to use the full capacity of the trial version for a defined period to produce a defined performance; and after the defined period of time after receipt of the trial version by the user computer, diminishing the performance of the trial version in accordance with a timed procedure to encourage

Art Unit: 3625

the user to purchase the full version (column 7, line 11, through column 8, line 56).

Allen does not disclose the step of producing tactile stimulus, but Gupta teaches producing tactile stimulus (Abstract; column 2, lines 10-49; Figures 1 and 2). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the step of diminishing the performance of the trial version include means to producing tactile stimulus, for the obvious advantage, taught by Allen, of encouraging a user to purchase a non-degraded version of the application.

As per claim 29, Allen does not expressly disclose degrading network bandwidth, but does disclose accessing an audio database, and receiving degraded versions of music "with an audio quality level at or below that produced over a standard telephone line" (column 8, lines 6-15), which could surely be accomplished by in fact degrading the bandwidth. Furthermore, Allen discloses that many variations can be made in the arrangements shown, including the interconnections between the user terminals, the network, and the provider database, and the manner of partially degrading a particular type of data (column 8, line 57, through column 9, line 4). Degrading the bandwidth is held to be such a variation, one of the numerous and functionally equivalent techniques the skilled artisan would have found obvious in view of the Allen disclosure, which teaches alternative solutions to the same basic problem addressed by Applicant.

As per claim 30, computers have central processing units, which inherently have processing speeds, but Allen does not disclose diminishing the performance of the trial version by degrading said processing speed. However, Allen does disclose that many variations can be made in the arrangements shown, including the interconnections

between the user terminals, the network, and the provider database, and the manner of partially degrading a particular type of data (column 8, line 57, through column 9, line 4). Degrading the processing speed is held to be such a variation, one of the numerous and functionally equivalent techniques the skilled artisan would have found obvious in view of the Allen disclosure, which teaches alternative solutions to the same basic problem addressed by Applicant. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have diminishing the performance of the trial version include degrading the CPU processing speed, for the obvious advantage, taught by Allen, of encouraging a user to purchase a non-degraded version of the application.

**Claim 31**

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (U.S. Patent 6,041,316) in view of Gupta (U.S. Patent 6,459,364) and Boyd et al. (U.S. Patent Application Publication 2002/0081229). Allen discloses an application system running in a processing unit for changing the appearance and performance generated by a specified application, the system comprising: a timer for measuring time; and means, responsive to the timer, to diminish, after receipt of the specified application by the central processing unit, the appearance or performance generated by the specified application according to a timed procedure to encourage a user of the application to abandon this specified application and to purchase a new version of the specified application (column 7, line 11, through column 8, line 56). Allen discloses, in particular, that the CPU is connected to a network to receive data therefrom over a bandwidth

(column 8, lines 26-38; see also Figure 1). Allen does not quite expressly disclose means to degrade said network bandwidth, but does disclose accessing an audio database, and receiving degraded versions of music "with an audio quality level at or below that produced over a standard telephone line" (column 8, lines 6-15), which could surely be accomplished by in fact degrading the bandwidth. Furthermore, Allen discloses that many variations can be made in the arrangements shown, including the interconnections between the user terminals, the network, and the provider database, and the manner of partially degrading a particular type of data (column 8, line 57, through column 9, line 4). Degrading the bandwidth is held to be such a variation, one of the numerous and functionally equivalent techniques the skilled artisan would have found obvious in view of the Allen disclosure, which teaches alternative solutions to the same basic problem addressed by Applicant.

A central processing unit inherently has a processing speed, but Allen does not disclose means to degrade said processing speed. However, Allen does disclose that many variations can be made in the arrangements shown, including the interconnections between the user terminals, the network, and the provider database, and the manner of partially degrading a particular type of data (column 8, line 57, through column 9, line 4). Degrading the processing speed is held to be such a variation, one of the numerous and functionally equivalent techniques the skilled artisan would have found obvious in view of the Allen disclosure, which teaches alternative solutions to the same basic problem addressed by Applicant. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of

applicant's invention to have the means to change the appearance or performance of the specified application include means to degrade the CPU processing speed, for the obvious advantage, taught by Allen, of encouraging a user to purchase a non-degraded version of the application.

Allen does not disclose means to produce tactile stimulus, but Gupta teaches means to produce tactile stimulus (Abstract; column 2, lines 10-49; Figures 1 and 2). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the means to change the appearance or performance of the specified application include means to produce tactile stimulus, for the obvious advantage, taught by Allen, of encouraging a user to purchase a non-degraded version of the application.

Allen does not disclose means to produce unpleasant olfactory stimulus, but Boyd teaches means to produce olfactory stimulus (Abstract; paragraphs 8, 13, and 14), which may be unpleasant. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the means to change the appearance or performance of the specified application include means to produce unpleasant olfactory stimulus, for the obvious advantage, taught by Allen, of encouraging a user to purchase a non-degraded version of the application.

### ***Response to Arguments***

Applicant's arguments filed September 15, 2005, have been fully considered but they are not persuasive, at least in important part. Applicant traverses the 35 U.S.C.

112 rejections of claims 22-30 for inadequate written description, and Examiner has withdrawn those rejections. However, Examiner maintains that the 35 U.S.C. 112 rejections of claims 20, 23, 24, 28, 29, 30, and new claim 31 for lack of enablement are proper. Applicant argues that mechanisms to produce tactile stimulus, and mechanisms to produce olfactory stimulus, are known, per se. Examiner agrees, but replies that such mechanisms are not standard attachments to computers, and are not described in the specification in any detail. It would therefore have required undue experimentation to modify computers with special features or attachments so as to provide the tactile or olfactory stimulus recited in the claims.

Applicant further traverses the rejections of the claims under 35 U.S. C. 103. Applicant argues that Allen provides the user with a program that is partially degraded, while the system of the present invention provides the user with an undegraded program that is then degraded over time. Examiner responds that this is not necessarily the case in Allen's system. Allen discloses that the provider database may wait a predetermined time before again providing an indication to a customer regarding payment of a royalty fee to receive an undegraded version (column 7, lines 24-31), and discloses a usage time limitation such that data is destroyed or otherwise rendered unusable after elapse of a predetermined time (column 7, lines 62-66; column 8, lines 42-45). Applicant also argues that Allen does not disclose degrading the network bandwidth, which is true, but as noted in the art rejections, Allen does disclose that many variations can be made in the arrangements shown, including the interconnections between the user terminals, the network, and the provider database,



and the manner of partially degrading a particular type of data, from which degrading the network bandwidth is held to be a various obvious in view of Allen's disclosure, and likewise with the processing speed.

Applicant argues that Allen does not disclose or suggest the tactile stimulus, or the olfactory stimulus, which is true, but Gupta and Boyd are relied on for these features. Applicant argues that neither Gupta nor Boyd teaches the features for which they are relied upon in the context of degrading a trial or demonstration version of a computer program. Examiner replies that with regard to Gupta, in particular, Gupta teaches an Internet browser with tactile elements, for use by the visually impaired. Allen discloses communicating by visual information; the equivalent in a computer for the visually impaired could easily be tactile information, as taught by Gupta; therefore, it is held to be obvious to combine the teachings of Gupta with those of Allen. Boyd not only teaches olfactory stimulus as such, but teaches increasing the level of stimulation provided by acoustic/visual stimulators by delivering corresponding scents (paragraph 4). Given Allen's teaching that many variations can be made in the arrangements shown, there is held to be motivation to make the combination of using olfactory stimulus to send a message to users of the system.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3625

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Nicholas D. Rosen*  
**NICHOLAS D. ROSEN**  
**PRIMARY EXAMINER**

November 15, 2005